

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|-------------------------------|
| STEPHEN P. MURRAY, |) |
| |) No. 461, 2009 |
| Defendant Below, |) |
| Appellant, |) Court Below: Superior Court |
| |) of the State of Delaware in |
| v. |) and for New Castle County |
| |) |
| STATE OF DELAWARE, |) Cr. ID No. 0304013717 |
| |) |
| Plaintiff Below, |) |
| Appellee. |) |

Submitted: January 13, 2009

Decided: March 2, 2010

Before **STEELE**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

ORDER

This 2nd day of March 2010, it appears to the Court that:

(1) Stephen P. Murray appeals from an August 10, 2009 sentencing order following a Violation of Probation hearing. He contends that the trial judge erroneously sentenced him excessively after considering evidence obtained during an invalid administrative search on April 16, 2008.

(2) Murray asserts that the trial judge should have limited his consideration of prior offenses to the traffic violations that occurred before the alleged illegal administrative search.¹

(3) We upheld the legality of the April 16, 2008 search and concluded that the trial judge properly dismissed Murray's motion to suppress in our Order, dated February 23, 2010, styled *Murray v. State*, No. 307, 2009.

(4) The denial of Murray's motion to suppress renders the above excessive sentence argument, meritless. The sentencing judge properly considered the offenses emanating from the administrative search.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ Operating a motor vehicle with illegally tinted windows and operating a motor vehicle on a suspended license.